

REMARKS

Claims 1-31 are currently pending in the subject application and are presently under consideration. Claims 1-27 and 31 have been amended herein. A version of all pending claims can be located at pages 2-8 of this Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the amendments and comments herein.

I. Rejection of Claims 1, 8-13, 16, 18, 21-22, and 25-26 Under 35 U.S.C. §102(e)

Claims 1, 8-13, 16, 18, 21-22, and 25-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Curtis (US 6,442,745). Withdrawal of this rejection is requested for at least the following reasons. Curtis does not disclose or suggest all features recited in the subject claims.

A single prior art reference anticipates a patent claim only if it *expressly or inherently describes each and every limitation set forth in the patent claim*. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The *identical invention must be shown in as complete detail as is contained in the ... claim*. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed subject matter relates to computer programming and, more particularly, to a system and method to facilitate installation and/or removal of components where at least one component is a shared component – a component or application that can be used by one or more other components and that by itself serves no other useful purpose. To this end, independent claims 1, 13, 23, and 25-26 recite similar aspects, namely: *a validation engine that provides a valid order, the order referentially consistent relative to each of the components and the at least one shared component automatically subsumes one or more property associated with previously installed shared components*. Curtis does not disclose or suggest this feature as recited in the subject claims.

Curtis relates to relates to a system, method, program, and data structure for

installing and uninstalling programs and in particular for checking dependencies of installed components. However, Curtis fails to disclose a valid order wherein the order is referentially consistent relative to each of the components that are to be installed, and further, the cited document does not provide for the subsumption of one or more property associated with previously installed shared components by the shared component. In contrast, applicants' claimed subject matter establishes a valid ordering that is referentially consistent relative to each of the components that are to be installed; in this manner inter-component conflict can be mitigated. Additionally, the subject matter as claimed provides that when a shared component is installed that any properties associated with previously installed shared components can be subsumed by the shared component; such a feature ensures that when share components are upgraded/re-installed that any configurations that may have previously been set will not be lost and need to be re-established. Accordingly, in view of at least the foregoing withdrawal of this rejection with respect to independent claims 1, 13, 23, and 25-26 (and associated dependent claims) is respectfully requested.

II. Rejection of Claims 2-4, 14-15, 17, 23-24, and 29-31 Under 35 U.S.C. §103(a)

Claims 2-4, 14-15, 17, 23-24, and 29-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis as applied to claims 1, 13, and 26 above, respectively, in view of Taylor (US 5,721,824). This rejection should be withdrawn for at least the following reasons. Curtis and Taylor, alone or in combination, fail to teach or suggest each and every feature recited in the subject claims.

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) **must teach or suggest all the claim limitations**. See MPEP §706.02(j). The **teaching or suggestion to make the claimed combination** and the reasonable expectation of

success **must be found in the prior art and not based on the Applicant's disclosure.** See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Independent claims 23-24, and 31, as amended, recite similar features, namely: **a validation component that provides a valid order based on setup data, the validation component resolves all relative inter-component conflicts prior to installation and/or removal of components and the shared component being installed automatically retains a property associated with a previously installed shared component.** Curtis and Taylor, alone or in combination, do not teach or suggest these features of applicants' claimed subject matter.

As stated supra, Curtis alone does not teach or suggest the aspects set forth in the subject claims. In addition, the secondary document, Taylor, fails to teach or suggest the foregoing features. Taylor relates to installing software products on computing systems either in a distributed processing computing system having a server and multiple clients or singular systems not connected to a network, and more particularly, relates to installing a software package having at least one dependent software package also to be installed on a server or standalone file space, multiple client file space or both in the file system of the server and one or more clients. However, the secondary document, like Curtis, disclose to teach or suggest a validation component that resolves relative inter-component conflicts prior to installation and removal of the components and further fails to provide for a shared component that on being installed retains properties associated with previously shared components. It is submitted that both Curtis and Taylor are deficient with regard this pertinent aspect of applicants' claimed subject matter. Accordingly, withdrawal of this rejection with respect to independent claims 23-24, and 31 (and claims that depend there from) is requested.

III. Rejection of Claims 5-7, 19-20, and 27-28 Under 35 U.S.C. §103(a)

Claims 5-7, 19-20, and 27-28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Curtis as applied to claims 1, 18, and 26 above, respectively, in view of Kruger *et al.* (US 6,367,075). This rejection should be withdrawn for at least the following reasons. Claims 5-7, 19-20, and 27-28 depend from independent claims 1, 13,

and 26 respectively, and Kruger *et al.* does not make up for the aforementioned deficiencies presented by Curtis. Accordingly, this rejection should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above amendments and comments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP195US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

AMIN, TUROCY & CALVIN, LLP

/Himanshu S. Amin/

Himanshu S. Amin

Reg. No. 40,894

AMIN, TUROCY & CALVIN, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731